

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

KENNETH WRENN,	)	CASE NO.
	)	
Plaintiff,	)	JUDGE:
	)	
v.	)	
	)	
RESIDENTIAL CREDIT SERVICES, <i>et. al.</i> ,	)	<b><u>DEFENDANTS SELECT PORTFOLIO</u></b>
	)	<b><u>SERVICING, INC.’S NOTICE OF</u></b>
Defendants.	)	<b><u>REMOVAL</u></b>
	)	
	)	
	)	

Defendant Select Portfolio Servicing, Inc. (“SPS”) hereby removes to this Court the action more fully described below. SPS submits the following in support of removal and this Court’s jurisdiction:

1. On February 25, 2023, Plaintiff Kenneth Wrenn (“Plaintiff”) commenced a civil action in the Cuyahoga County, Ohio Court of Common Pleas, captioned as *Wrenn v. Residential Credit Services, et. al.*, Case No. CV 23 975716. A copy of the Summons and Complaint

is attached as Exhibit “A.” Copies of all remaining process, pleadings, and orders are attached hereto as Exhibit “B” pursuant to 28 U.S.C. § 1446(a).

2. To date, SPS has not yet been served with the Summons and Complaint and reserves any and all defenses challenging the sufficiency of service.
3. Therefore, this Notice of Removal has been filed within thirty days of receipt of the Complaint by SPS and is therefore timely pursuant to 28 U.S.C. §1446(b). *See Brierly v. Alusuisse Flexible Packaging Inc.*, 184 F.3d 527, 532-33 (6th Cir.1999).
4. Pursuant to 28 U.S.C. § 1441(a), venue is proper in the United States District Court for the Northern District of Ohio because this District embraces the Cuyahoga County Court of Common Pleas where the action was originally filed. *See* 28 U.S.C. § 129(a).
5. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served on Plaintiff and filed with the Cuyahoga County, Ohio Court of Common Pleas.
6. As outlined herein, and pursuant to 28 U.S.C. § 1446(b)(2)(A), the consent of Defendant Residential Credit Services to this removal is not needed as, to date, it has not yet been served.

### **FEDERAL QUESTION JURISDICTION**

7. This Court has original federal question jurisdiction over this civil action pursuant to 28 U.S.C. § 1331 and the action may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441(b). The Complaint on its face alleges violations of the Americans with Disabilities Act. (Complaint, pp. 1-2.).
8. Removal is therefore appropriate on the grounds of federal question jurisdiction. 28 U.S.C. § 1331; 28 U.S.C. § 1441(a). *Kaylor v. Multi-Color Corp.*, 488 F. Supp. 3d 640, 643 (S.D.

Ohio 2020) (removal on federal question grounds of state court lawsuit alleging claims under the Americans with Disabilities Act was proper).

**SUPPLEMENTAL JURISDICTION OVER STATE LAW CLAIMS**

9. Because Plaintiff's remaining claims are part of the same case and controversy, this Court can exercise supplemental jurisdiction over them. *United Mine Workers v. Gibbs*, 383 U.S. 715, 725 (1966).
10. Indeed, Plaintiff's remaining state law claims "form part of the same case or controversy" as the matters arising under this Court's original jurisdiction. 28 U.S.C. § 1367(a). This is because they derive from the same common nucleus of operative facts and/or arise from the same underlying contract, dispute, and transaction. *Harper v. AutoAlliance Int'l, Inc.*, 392 F.3d 195, 209 (6th Cir. 2004) (internal citations and quotation marks omitted). *See, also, Carnegie—Mellon Univ. v. Cohill*, 484 U.S. 343, 350-51 (1988); *Capitol Park Ltd. Dividend Hous. Ass'n v. Jackson*, 202 F. App'x 873, 877 (6th Cir.2006).
11. Therefore, supplemental jurisdiction over these claims is proper. *Id.*
12. SPS reserves the right to amend or supplement this Notice of Removal.
13. By removing the action to this Court, SPS does not waive any defenses, objections or motions available to them under state or federal law.

WHEREFORE, SPS removes this action from the Common Pleas Court of Cuyahoga County, Ohio to this Court.

Respectfully submitted,

/s/ James W. Sandy

James W. Sandy (0084246)

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*Attorney for Defendant Select Portfolio Servicing,  
Inc.*

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on March 22, 2023, I served the foregoing *Defendant Select Portfolio Servicing, Inc. 's Notice of Removal* upon the following via regular, U.S. mail:

Kenneth Wrenn  
925 East 248th St.  
Euclid, OH 44123  
*Plaintiff*

Residential Credit Services  
4282 North Freeway  
Fort Worth, TX 76137  
*Defendant*

/s/ James W. Sandy

James W. Sandy (0084246)